

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHANEL HALL, *individually and as
next friend and personal representative
of the estate of J.C.P.*,

Plaintiff,

v.

SCOTT DIXON, *et al.*,

Defendants.

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CIVIL ACTION NO. H-09-2611

ORDER

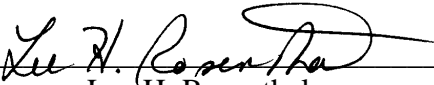
This order addresses one of the many motions filed in this case. Community Health Choice, Inc. (“CHC”) has moved to reconsider and modify Docket Entry No. 84, which is the court’s minute entry for the hearing held on February 8, 2010. (Docket Entry No. 90). CHC asks the court to delete the following sentence: “The plaintiff will file an amended complaint and brief with respect to the claims against Community Health Choice by March 25, 2010.” CHC argues that this court granted leave to amend even without a request by the plaintiff and that the plaintiff’s proposed amendments are prejudicial and futile.

CHC’s motion is denied. The transcript of the February 8, 2010 hearing reflects that in response to CHC’s argument that the court lacks subject-matter jurisdiction over the claims against CHC based on immunity, the plaintiff sought leave to amend. (Docket Entry No. 89 at 77). This court granted the motion, giving the plaintiff 45 days to file an amended complaint, admonishing the plaintiff of the need for a reasonable, good-faith basis for believing that the amendments were

well founded. (*Id.* at 77–78). CHC did not raise an objection at the hearing to the court granting leave to amend. The minute entry reflects the court’s ruling as stated on the record.

Although CHC’s motion is denied, CHC may continue to argue that the proposed amendments are without merit and that the claims against CHC should be dismissed for lack of subject-matter jurisdiction or on other grounds.

SIGNED on August 25, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge